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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,877	10/26/2001	Gregory Owen Miller	9DDW19324CIP	1751

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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,877

Applicant(s)

MILLER ET AL.

Examiner

Carlos Lugo

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rotational movement of the handle and the actuator must be shown or the feature(s) canceled from the claim(s). The drawings only illustrate the rotational movement of the handle and the keeper (elements 66 and 68 and 152 and 156). No new matter should be entered.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:
 - Element 23 in Figure 1 and element 1861 in Figure 5 are not disclosed in the specification.
3. The drawings are objected to because:
 - Eliminate element 220 from Figure 7. Element 220 is part of the handle, not the actuator.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important

that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In lines 3,4 and 7 of the abstract, the word "said" is used.

5. The specification is objected to because of the following informalities:

- Page 4, Line 1, change "124" as --24--.
- Page 7, Line 25, change "186" as --182--.
- Page 7, Line 26, change "186" as --1861--.
- Page 7, Line 30, change "136" as --1861--.

Appropriate correction is required.

Claim Objections

6. **Claims 16-18 are objected** to because of the following informalities:

- Claim 16 Line 6, change "handle" as --actuator--. The handle doesn't rotate about a second longitudinal axis.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. **Claims 1-5 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that the handle and the actuator, both rotates about a first end. The handle rotates about a first end (element 220) and the actuator rotates about a second end (element 240).

Claims 2-5 recites the limitation "latch handle". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-6,9,10 and 16-18 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 2,948,560 to Rop.

Regarding claims 1 and 6, Rop discloses a latch assembly comprising a handle (element 20) pivotally mounted to a door for rotation about a first end (at element 24).

A latch actuator (element 14) is in contact relation with the latch handle and mounted to the door for rotation about an end (element 15).

The handle rotates in a first direction and the actuator rotates in a second direction opposed to the first one.

A keeper (element 11) is engaged to a door retainer projection (where element 16 is placed) in a closed position. The actuator is configured to disengage the keeper from the door retainer projection when the handle is actuated.

As to claim 2, Rop illustrates that the latch handle comprises an actuator portion in sliding engagement with the latch actuator (the portion at the end of the handle).

As to claim 3, Rop illustrates that the latch handle further comprises a closed handle stop (the end of the handle near the pivot 21).

As to claim 4, Rop discloses that the handle rotates about a first longitudinal axis (element 24) and the actuator rotates about a second longitudinal axis (element 15).

As to claims 5 and 9, Rop illustrates that the handle and the actuator are placed on a housing or bracket.

As to claim 10, Rop illustrates that the latch handle comprises a substantially rounded engagement portion (at the end of the handle 20) in contact with the latch actuator.

As to claim 16, Rop discloses a door assembly comprising an escutcheon. A latch handle (element 20) is pivotally mounted to the escutcheon about a first longitudinal axis (element 24). A latch actuator (element 14) is pivotally mounted to the escutcheon about a second longitudinal axis (element 15). The handle rotates in a first direction and the actuator rotates in a second direction opposed to the first one.

As to claim 17, Rop discloses that the escutcheon includes a latch portion (element 16). Rop illustrates that the latch handle further comprises a closed handle stop (the end of the handle near the pivot 21).

As to claim 18, Rop illustrates that the latch actuator (element 14) comprises a substantially flat plate.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 7, 8, 11-15 and 19 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 2,948,560 to Rop in view of US Pat No 4,186,287 to Scott.

Regarding claims 7, 11 and 19, Rop discloses the invention substantially as claimed. The latch mechanism further comprises a keeper (element 11) attached to the door for engagement with the door retainer projection. The handle rotates about a first longitudinal axis (element 24) and the actuator rotates about a second longitudinal axis (element 15).

However, Rop fails to disclose that the latch mechanism is used for a dishwasher. Rop discloses that the latch mechanism is for a refrigerator, but could be used for other applications (Col. 1 Lines 19-23).

Scott teaches that a similar latch mechanism for a dishwasher is known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a dishwasher, as taught by Scott, with a latch mechanism, as described by Rop, in order to have a dishwasher with a latch mechanism that can provide a tight closure.

As to claim 8, Rop discloses that the latch actuator comprises a keeper engagement surface (element 16) wherein the keeper engagement surface disengages the keeper from the door retainer projection as the latch handle is rotated.

As to claim 12, Rop illustrates that the latch handle comprises an actuator portion (at the end of the handle 20) in contact with the latch actuator.

As to claim 13, Rop illustrates that the handle and the actuator are placed on a housing or bracket.

As to claim 14, Rop illustrates that the latch actuator (element 14) comprises a substantially flat plate.

As to claim 15, Rop illustrates that the latch handle further comprises a closed handle stop (the end of the handle near the pivot 21).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited further show the state of the art with respect to door latches.

Art Unit: 3677

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo. The examiner phone number is (703)-305-9747. The fax number for correspondence before a final action is (703)-872-9326 and the fax number for correspondence after final action is (703)-872-9327. The email direction of the examiner is carlos.lugo@uspto.gov. The examiner can normally be reached on Monday to Friday from 9:30am to 6:30pm (EST). If the examiner is not available, please leave a message, including the application number and the examiner will answer the message as soon as possible.

June 5, 2002



ROBERT J. SANDY
PRIMARY EXAMINER